



INDIANA UTILITY REGULATORY COMMISSION
302 W. WASHINGTON STREET, SUITE E-306
INDIANAPOLIS, INDIANA 46204-2764

FILED

<http://www.state.in.us/iurc/>
Office: JAN 9 2005

Facsimile: (317) 232-6758

INDIANA UTILITY
REGULATORY COMMISSION

**VERIFIED PETITION FOR A CERTIFICATE)
OF TERRITORIAL AUTHORITY TO)
RESELL BUNDLED LOCAL EXCHANGE)
TELEPHONE SERVICES WITHIN THE)
STATE OF INDIANA)**

CAUSE NO. 42756

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

A prehearing conference is presently scheduled in this Cause on January 6, 2005, at 10:00 a.m. EST. This matter was inadvertently scheduled for a prehearing conference, as the Petition in this Cause seeks a Certificate of Territorial Authority ("CTA") to resell bundled local exchange telephone services within the State of Indiana and thus should proceed consistent with the expedited process set forth in the Commission's July 1, 1996, Interim Order in Cause No. 39983, *In The Matter Of The Investigation On The Commission's Own Motion Into Any And All Matters Relating To Local Telephone Exchange Competition Within The State Of Indiana* ("39983 Order").

In the 39983 Order, the Commission found that "resellers . . . must seek certification pursuant to the criteria set forth in Finding Paragraph 5(F)" in the areas in which they intend to resell services and are required to pay the public utility fee as defined in Ind. Code § 8-1-6-1 *et seq.* (Ordering Paragraph No. 2). More particularly, Finding Paragraph 5(F) says:

Every entity needs to obtain a CTA before having the ability to provide service in Indiana. To obtain a CTA, the entity must file a verified request together with evidence to support the entity's financial, technical, and managerial abilities to provide such service. The entity should also present evidence indicating the type, means and location of service the entity proposes to provide, and why such service would be in the public interest and in furtherance of the goals of full and fair competition. In reviewing any financial information provided by a prospective entity, the Commission will give due regard to considerations of an entity's ability to maintain the Commission's expectations regarding high quality telephone service. After receiving such a verified petition and supporting evidence, the Commission will thereafter publish notice that a request for a Certificate of Territorial Authority has been made. If any other entity chooses to oppose such a request, that entity should file notice with the Commission and be prepared to offer evidence to support their particular opposition as to why any of the four criteria set forth above have not been met through the verified petition process of the applying telephone utility. Such an opposing party should file its opposition in written form within 30 days after a request for a CTA has been made with the Commission.


The Petition in this Cause was filed on November 24, 2004, and Petitioner has not yet submitted a copy of Petitioner's most current audited balance sheet to the Commission and the Indiana Office of Utility Consumer Counselor ("OUCC"). Though the Petition states that "Petitioner is a newly formed corporation and does not yet have an operating history", Petitioner must still demonstrate that it has the financial ability to provide public utility service under the requested CTA. To that end, Petitioner should submit any income and liability projections it may have in addition to information concerning financing and other sources of capital used in the startup of Petitioner's business enterprise so that the Commission may have the necessary financial information on which to base its decision. Should Petitioner determine that this information is confidential, Petitioner should petition the Commission for confidential treatment pursuant to 170 IAC 1-1.1-4.

The Presiding Officer also finds, *sua sponte*, that the caption in this matter is not sufficient to provide appropriate legal notice to any interested party of Petitioner's identity. Thus, the caption shall be amended as follows:

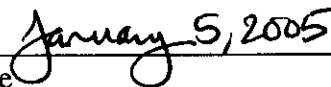
VERIFIED PETITION OF FORT WAYNE)	
COMMUNICATIONS, INC. FOR A)	
CERTIFICATE OF TERRITORIAL)	
AUTHORITY TO RESELL BUNDLED)	CAUSE NO. 42756
LOCAL EXCHANGE TELEPHONE)	
SERVICES WITHIN THE STATE OF)	
INDIANA)	

The prehearing conference previously scheduled for January 6, 2005, at 10:00 a.m. EST is hereby **vacated**, and Petitioner is directed to provide the Commission and the OUCC with the financial information described herein. Additionally, this Docket Entry shall serve as notice to all interested parties that the caption in this Cause has been amended as reflected above.

IT IS SO ORDERED.



Andrea L. Brandes, Administrative Law Judge



Date